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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	2:12-cv-00471-GMN-VCF
)	
v.)	UNOPPOSED MOTION TO
)	EXTEND TIME FOR FILING JOINT
MARGE L. CELLINI and HARRY)	PRETRIAL ORDER (SECOND
PORTNOY, individually, and d/b/a TAX)	REQUEST)
FACTORY, INC., and/or MYST INC.,)	
)	
Defendants.)	

The United States respectfully requests a 45 day extension of time to file the parties' Joint Pretrial Order, which is currently due to the Court no later than February 10, 2014. This deadline has been previously extended one time. The basis for this request is as follows:

1. Undersigned counsel has recently been informed by the Law Offices of John Lusk, attorney for defendant Harry Portnoy, that Mr. Lusk has been hospitalized due to a serious health condition. Undersigned counsel was further informed that, due to his hospitalization, Mr. Lusk would require additional time to meet his obligations under the Discovery Plan and Scheduling Order in this case (Doc. 18), including meeting the parties' deadline to file a Joint Pretrial Order

by no later than February 10, 2014 (Doc. 27). Unfortunately, at this time, due to the seriousness of Mr. Lusk's condition, the duration of his hospitalization is unknown.

2. Undersigned counsel is further informed that Mr. Lusk has arranged for attorney Theodore Williams to see to his affairs during his health-related absence. Mr. Williams has informed undersigned counsel that Mr. Lusk does not oppose this second request for an extension.¹

3. On unopposed motion, the Court previously extended the parties' deadline to file their Joint Pretrial Report to February 10, 2014. (Doc. 27.)

4. As noted in the earlier request for an extension of this same deadline (Doc. 26), prior to Mr. Lusk's hospitalization, counsel for both parties had been working diligently to resolve this case without the need for trial. Specifically, the United States has proposed a specified conduct injunction that would resolve all claims in the case, and the defendant and his counsel were in process of considering that proposal when Mr. Lusk was hospitalized.

5. Despite Mr. Lusk's hospitalization, counsel for both parties believe that settlement of this matter is still possible, and that good cause exists to grant a second extension of time to file the Joint Pretrial Report, in light of the exigent circumstances.

6. The additional time will allow Mr. Lusk to resume his normal affairs, and it will allow the parties to continue their settlement discussions and focus on a final resolution of this matter, rather than potentially unnecessary pre-trial preparation.

7. Accordingly, this request is not made for purposes of delay, but to accommodate Mr. Lusk's exigent circumstances, and possibly to resolve this matter and conserve scarce resources.

¹ Defendant Harry Portnoy is the only remaining defendant in the case; judgment was entered against defendant Marge L. Cellini on December 10, 2013. (Doc. 25.)

8. The parties have otherwise litigated this case expeditiously, including the completion of discovery without any requests to extend discovery deadlines.

WHEREFORE, the United States respectfully requests a 45 day extension of time to file the parties' Joint Pretrial Order, which is currently due to the Court no later than March 27, 2014.

Dated: February 6, 2014

Respectfully submitted,

/s/ Richard G. Rose
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CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that, on February 6, 2014, the foregoing UNOPPOSED MOTION TO EXTEND TIME FOR FILING JOINT PRETRIAL ORDER (SECOND REQUEST) was electronically filed with the Court using the CM/ECF system, to be served by operation of the Court's electronic filing system upon the following:

John R. Lusk

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Attorney for Harry Portnoy

/s/ Richard G. Rose

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Plaintiff,)	2:12-cv-00471-GMN-VCF
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v.)	[proposed] ORDER ON MOTION TO
)	EXTEND TIME FOR FILING JOINT
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)	
Defendants.)	

This matter comes before the Court on the United States' MOTION TO EXTEND TIME FOR FILING JOINT PRETRIAL ORDER (SECOND REQUEST). (Doc. 28.) For good cause shown, the Court hereby GRANTS the United States' motion. Accordingly, it is hereby ORDERED that:

The parties are granted a 45 day extension of time to file the Joint Pretrial Order;

The Joint Pretrial Order shall be filed no later than March 27, 2014.

IT IS SO ORDERED this 10th day of February, 2014.



CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE